

REMARKS

In the Final Office Action dated April 4, 2003, the Examiner rejected claims 1, 2, and 15 as amended as being unpatentable over Randall (U.S. Patent No. 3,099,450). The Examiner also rejected claims 6-14 as unpatentable over Randall in view of Official Notice and claims 16-18 as unpatentable over Randall in view of Gibbs et al. Furthermore, in the Advisory Action dated August 21, 2003, the Examiner rejected entering the final amendment since the newly added limitations would require additional search and consideration. It is respectfully submitted that the new claims are patentable as written.

The present claimed invention discloses a method for improving the batting skills of a batter and the pitching skills of a pitcher. The present claimed invention utilizes a modified ball that exaggerates the movement of a baseball, thereby allowing amateur pitchers to throw standard pitches with greater movement. The present claimed invention provides a chart that shows the pitcher how to throw the standard pitches using the modified ball. In addition, the movement of the pitcher's arm throwing the modified ball teaches batters to read the pitcher's arm in predicting the oncoming pitch. The present claimed invention also utilizes a bat with a diameter smaller than a standard bat, making it even more difficult for the batter to make contact with the modified ball. It is proposed that using this method will increase the concentration of batters, thereby improving their batting skills.

Randall discloses a semi-spherical ball similar to the one in the present claimed invention for throwing with a great aerodynamic action. Randall teaches that the lower surface is concave, rather than flat, in order to generate more aerodynamic action. The ball in the present claimed invention, on the other hand, teaches a flat surface. Randall specifically teaches away from a flat surface in column 1, lines 38-41. In addition, Randall neither discloses nor suggests an instructional table describing and illustrating grips, arm movements and release methods for the various standard pitches as in the present claimed invention. Without this instructional table, the invention in Randall discloses a simple aerodynamic game projectile, lacking the necessary innovation to improve the batting skills of batters.

Examiner contends that Official Notice obviates the innovations of the present claimed invention. Specifically, the Examiner notes that it would have been obvious to pitch the ball in a variety of pitches in order to make the game more interesting and increasingly

more difficult. While pitching the ball in a variety of pitches may be obvious for standard balls, the techniques employed that are specific to the modified ball disclosed in the present invention are not obvious. The instructional table disclosed in the present claimed invention concretely identifies the techniques used to throw standard pitches using the modified semi-spherical ball, providing a batting practice technique that is conducive to uniform repetition of standard pitches. This innovation is noticeably absent in the prior art and not obvious to conventional practice, contrary to the Official Notice taken by the Examiner.

Gibbs et al. disclose an instruction chart for golfers. The user stands on the instruction chart, which is marked as to direct the user to stand in the correct stance for addressing a golf ball. Gibbs et al. neither disclose nor suggest selecting a semi-spherical ball used to exaggerate aerodynamic ball movement of standard pitches. Gibbs et al. disclose an instruction chart that guides the stance and grip of a golfer. However, Gibbs et al. does not disclose a modified ball, which, in conjunction with an instruction chart, exaggerates the movement of a ball and improves the skills of a user. Additionally, since the golf uses a stationary ball and baseball uses a moving ball, there are inherent differences between innovations concerning the two sports.

In view of the above remarks, it is respectfully submitted that the rejection is satisfied, and the applicant requests that the rejection be withdrawn.

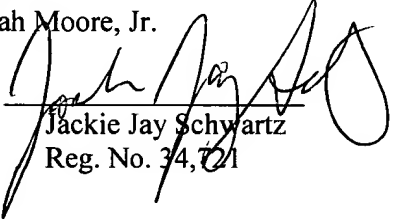
In the event there are further issues remaining in any respect the Examiner is respectfully requested to telephone attorney to reach agreement to expedite issuance of this application.

Since the present claims set forth the present invention patentably and distinctly, and are not taught by the cited art either taken alone or in combination, this response is believed to place this case in condition for allowance and the Examiner is respectfully requested to reconsider the matter, and to allow all of the claims in this case.

Respectfully submitted,

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